

LEWIS  
ANDROCA  
LLP

L A W Y E R S

E-Filed on 12/13/07

3993 Howard Hughes Parkway, Suite 600  
Las Vegas, NV 89169-5996  
Facsimile (702) 949-8321  
Telephone (702) 949-8320

40 North Central Avenue, Suite 1900  
Phoenix, Arizona 85004-4429  
Facsimile (602) 734-3824  
Telephone (602) 262-5756

Susan M. Freeman AZ State Bar No. 004199  
Email: sfreeman@lrlaw.com  
Rob Charles NV State Bar No. 006593  
Email: rcharles@lrlaw.com

Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE  
COMPANY,

USA CAPITAL REALTY ADVISORS,  
LLC,

USA CAPITAL DIVERSIFIED TRUST  
DEED FUND, LLC,

USA CAPITAL FIRST TRUST DEED  
FUND, LLC,

USA SECURITIES, LLC,  
Debtors.

Case No. BK-S-06-10725-LBR  
Case No. BK-S-06-10726-LBR  
Case No. BK-S-06-10727-LBR  
Case No. BK-S-06-10728-LBR  
Case No. BK-S-06-10729-LBR

CHAPTER 11

Jointly Administered Under Case No.  
BK-S-06-10725 LBR

**STATUS AND AGENDA FOR  
DECEMBER 14, 2007 HEARINGS**

Date of Hearing: December 14, 2007  
Time of Hearing: 9:30 a.m.

**Affects:**

- ☒ All Debtors
- ☐ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

**9:30 a.m.**

1. Adv. 2-06-01146, USA Commercial Mortgage Company v. Wells Fargo, N.A., Status Conference re: **Amended Complaint FOR INTERPLEADER with Certificate of Service** Filed by DAVID W. HUSTON on behalf of USA COMMERCIAL MORTGAGE COMPANY against all defendants (HUSTON, DAVID) [DE 54]

LEWIS  
AND  
ROCA  
LLP  
LAWYERS

2. **Objection to Claim 1660 of Robert J. Kehl & Ruth Ann Kehl in the amount of \$12,841,580.13** filed by JEANETTE E. MCPHERSON on behalf of USA COMMERCIAL MORTGAGE COMPANY [DE 2139]

**No Objection  
Filed**

**Status** Continued from 1/17/2007; 3/15/2007; 3/27/2007; and 5/31/2007. Counsel have agreed that the hearing should be continued as the Kehl Family continues to attempt to collect their direct loans. Counsel will propose a date convenient to the Court in approximately three months.

3. **Objection to Claim 784 of BINFORD MEDICAL DEVELOPERS in the amount of** filed by LENARD E. SCHWARTZER on behalf of USA COMMERCIAL MORTGAGE COMPANY [DE 2033]

**Opposition Filed:** 12/29/2006 Opposition with Certificate of Service Filed by SUSAN WILLIAMS SCANN on behalf of BINFORD MEDICAL DEVELOPERS, LLC [DE 2329]

**Reply Filed** 1/08/2007 Reply *In Support of Objection to Claim 784 of BINFORD MEDICAL DEVELOPERS* Filed by LENARD E. SCHWARTZER on behalf of USA COMMERCIAL MORTGAGE COMPANY [DE 2378]

**Stipulation Filed:** 10/11/2007 Stipulation By USACM LIQUIDATING TRUST and Between Binford Medical Developers *Continuing Hearing on Objection to Claim 784 of Binford Medical Developers* Filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 4977]

**Related Filing:** 10/12/2007 Order Approving Stipulation to Continue the Hearing on Objection to Claim 784 of BINDFORD MEDICAL DEVELOPERS LLC [DE 4988]

**Status:** Hearing rescheduled from 1/17/2007; 3/15/2007; 4/26/2007; 6/15/2007; and 10/15. A stipulation to continue the hearing to December 20, 2007 was filed [DE 5474]

4. **Objection to Claim 792 of Copper Sage Commercial Center LLC in the amount of \$3,500,000.00** filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 3077]

LEWIS  
AND  
ROCA  
LLP  
LAWYERS

1 **Related Filing:** Declaration Of: Edward M. Burr *in Support of USACM*  
2 3/13/2007 *Liquidating Trust Objections to Proofs of Claim and Motions to*  
3 *Classify Claims* Filed by ROB CHARLES on behalf of USACM  
LIQUIDATING TRUST [DE 3082].

4 **Opposition Filed:** Opposition with Certificate of Service Filed by SUSAN  
5 4/19/2007 WILLIAMS SCANN on behalf of COPPER SAGE COMMERCE  
CENTER [DE 3502]

6 **Stipulation Filed:** Stipulation By USACM LIQUIDATING TRUST and Between  
7 4/24/2007 Copper Sage Commercial Center LLC *to Continue Hearing on*  
8 *Objection* Filed by ROB CHARLES on behalf of USACM  
LIQUIDATING TRUST [DE 3537]

9 **Related Filing:** Order Approving Stipulation to Continue the Hearing on  
10 4/24/2007 Objection to Claim 792 of COPPER SAGE COMMERCIAL  
CENTER LLC [DE 3543]

11 **Stipulation Filed:** Stipulation By USACM LIQUIDATING TRUST and Between  
12 12/10/2007 Copper Sage Commercial Center LLC *Continuing Hearing on*  
13 *Objection to Claim of Copper Sage Commercial Center LLC*  
14 *(Claim No. 792)* Filed by ROB CHARLES on behalf of USACM  
LIQUIDATING TRUST [DE 5460]

15 **Status:** Hearing rescheduled from 4/26/2007; 6/15/2007. An Order  
16 Approving Stipulation to Continue to 2/21/2008 at 9:30 a.m. was  
entered [DE 5473].

17 5. **Objection to Claim 203 of Mountain West Mortgage Co./Lerin Hills in**  
18 **the amount of \$2,048,000.00** filed by ROB CHARLES on behalf of USACM  
19 LIQUIDATING TRUST [DE 3078]

20 **Opposition Filed:** None

21 **Related Filing:** Declaration Of: Edward M. Burr *in Support of USACM*  
22 3/13/2007 *Liquidating Trust Objections to Proofs of Claim and Motions to*  
23 *Classify Claims* Filed by ROB CHARLES on behalf of USACM  
LIQUIDATING TRUST [DE 3082].

24 **Stipulation Filed:** Stipulation By USACM LIQUIDATING TRUST and Between  
25 4/18/2007 Mountain West Mortgage Co./Lerin Hills *Continuing Hearing on*  
26 *Objection to Claim 203 of Mountain West Mortgage Co./Lerin*  
*Hills* Filed by ROB CHARLES on behalf of USACM  
LIQUIDATING TRUST [DE 3485]

LEWIS  
AND  
ROCA  
LLP  
LAWYERS

1 **Related Filing:** Order Approving Stipulation to Continue the Hearing on  
2 4/23/2007 Objection to Claim 203 of MOUNTAIN WEST MORTGAGE  
3 CO./LERIN HILL [DE 3519]  
4 **Reply Filed:** Reply to *Objection of the USACM Liquidating Trust to Proof of*  
5 6/06/2007 *Claim File by Lerin Hills LTD (Claim No. 203 & 1279)* Filed by  
6 MARJORIE A. GUYMON on behalf of MOUNTAIN WEST  
7 MORTGAGE, LLC [DE 3904]  
8 **Stipulation Filed:** Stipulation By USACM LIQUIDATING TRUST and Between  
9 10/11/2007 Mountain West Mortgage Co./Lerin Hills *Continuing Hearing on*  
10 *Objection to Claim 203 of Mountain West Mortgage Co./Lerin*  
11 *Hills* Filed by ROB CHARLES on behalf of USACM  
12 LIQUIDATING TRUST [DE 4962]  
13 **Status:** Hearing rescheduled from 4/26/2007; 6/15/2007 and 12/14/07.  
14 An Order Approving Stipulation to Continue Hearing to  
15 2/21/2008 was entered [DE 5467].

12 6. **Objection to Claim 1279 of Lerin Hills Ltd** filed by ROB CHARLES on  
13 behalf of USACM LIQUIDATING TRUST [DE 3080]

14 **Opposition Filed:** None  
15 **Related Filing:** Declaration Of: Edward M. Burr *in Support of USACM*  
16 3/13/2007 *Liquidating Trust Objections to Proofs of Claim and Motions to*  
17 *Classify Claims* Filed by ROB CHARLES on behalf of USACM  
18 LIQUIDATING TRUST [DE 3082].  
19 **Stipulation Filed:** Stipulation By USACM LIQUIDATING TRUST and Between  
20 4/09/2007 LERIN HILLS LTD *Continuing Hearing On Objection to Claim*  
21 *1279* Filed by ROB CHARLES on behalf of USACM  
22 LIQUIDATING TRUST [DE 3392]  
23 **Related Filing:** Order Approving Stipulation to Continue the Hearing on  
24 4/09/2007 Objection to Claim 1279 of LERIN HILLS LTD, in the Amount  
25 of \$1,257,233.40 as an Unsecured Non-Priority Claim and as a  
26 Priority Claim of \$797,175.62 [DE 3393]  
**Reply Filed:** Reply to *Objection of the USACM Liquidating Trust to Proof of*  
6/06/2007 *Claim File by Lerin Hills LTD (Claim No. 203 & 1279)* Filed by  
MARJORIE A. GUYMON on behalf of MOUNTAIN WEST  
MORTGAGE, LLC [DE 3904]

LEWIS  
AND  
ROCA  
LLP  
LAWYERS

1 **Stipulation Filed:** Second Stipulation By USACM LIQUIDATING TRUST and  
2 6/11/2007 Between Lerin Hills Ltd. *Continuing Hearing on Objection to*  
3 *Claim 1279 of Lerin Hills* Filed by ROB CHARLES on behalf of  
USACM LIQUIDATING TRUST [DE 3947]

4 **Related Filing:** Order Approving Second Stipulation to Continue the Hearing on  
5 6/12/2007 Objection to Claim 1279 of LERIN HILLS LTD. in the Amount  
6 of \$1,257,233.40 as an Unsecured Non-Priority Claim, and as a  
Priority Claim of \$797,175.62 [DE 3955]

7 **Stipulation Filed:** Stipulated Motion to Continue/Reschedule Hearing *on Second*  
8 6/25/2007 *Omnibus Objection to Claims Asserting Priority Status re Claim*  
9 *1279 of Lerin Hills* Filed by ROB CHARLES on behalf of  
USACM LIQUIDATING TRUST [DE 4050]

10 6/26/2007 Stipulation Setting Hearing on Second Omnibus Objection to  
11 Claims Asserting Priority Status Re Claim 1279 of LERIN HILLS  
[DE 4060]

12 **Stipulation Filed:** Stipulation By USACM LIQUIDATING TRUST and Between  
13 10/10/2007 Lerin Hills Ltd. *to Continue Hearing on Objection to Claim 1279*  
*of Lerin Hills* Filed by ROB CHARLES on behalf of USACM  
LIQUIDATING TRUST [DE 4959]

14 **Status:** An Order Approving Stipulation to Continue Hearing on  
15 Objection to Claim No. 1279 to 2/21/2008 was entered [DE  
16 5454].

17 7. **Adv.** 2-07-01165, USA Capital Diversified Trust Deed Fund v. Margaret B.  
18 McGimsey Trust, **Scheduling Conference re: Complaint** [DE 13]

19 8. **Adv.** 2-06-01247, Robert J. Kehl v. Joseph D. Milanowski, **Scheduling**  
20 **Conference re: Complaint** Filed by Robert J. Kehl, Ruth Ann Kehl, Robert A. Kehl,  
21 Christina "Tina" M. Kehl, Krystina L. Kehl, Daniel J. Kehl, Kevin A. Kehl, Susan L.  
22 Kehl, Christina M. Kehl, Patrick J. Anglin, Cynthia A. Winter, Kehl Development  
23 Corporation, Judy A. Bonnet, Kevin A. McKee, Pamela J. McKee, Warren Hoffman  
Family Investments, LP, Andrew R. Kehl [DE 2]

24 **No Objection**  
25 **Filed**

26 **Status** Continued from 1/17/2007; 3/15/2007; 3/27/2007; and 5/31/2007.  
Counsel have agreed that the hearing should be continued as to

LEWIS  
AND  
ROCA  
LLP  
LAWYERS

Kehl family continues to attempt to collect their direct loans. Counsel will propose a date convenient to the Court in approximately three months.

9. **Eighth Omnibus Objection (*Pertaining to Claim filed by John Dutkin*)** filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 3147]

**Response Filed:** Response with Certificate of Service Filed by GEORGE D 4/19/2007 FRAME on behalf of JOHN DUTKIN [DE 3512]

**Related Filings:** Motion for Summary Judgment Regarding (1) Responses To The 7/30/2007 USACM Trust's First Through Thirty-Third Omnibus Objections To Claims Asserting A Secured Status; (2) Responses to USACM Trust's First Through Third Omnibus Objections to Claims Asserting A Priority Status; and (3); Newly Alleged Secured And Priority Claims Filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 4291]

**Response Filed:** Response with Certificate of Service & *Objection of USA* 8/17/07 *COMMERCIAL MORTGAGE COMPANY to Claim of DUTKIN TRUST Asserting Secured Status* Filed by GEORGE D FRAME on behalf of JOHN DUTKIN [DE 4628]

**Status** Continued from 4/26/2007; and 6/15/2007. An Order Approving the Stipulation to Continue the hearing to December 20, 2007 was entered [DE 5451].

10. **Omnibus Objection of the USACM Liquidating Trust to Commission Claims Asserting Priority Status Pertaining to Proofs of Claim Filed By Michael Mollo** filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 3255]

**Objection Filed:** Objection Filed by MICHAEL P. MOLLO [DE 3337] 4/04/2007

**Status** Continued from 4/26/2007; 5/31/2007; and 7/27/2007

11. **Objection to Claim 819 of SPECTRUM FINANCIAL in the amount of \$49,581,000; Claim 821 of ROLLAND P. WEDDELL in the amount of \$13,081,000** filed by JEANETTE E. MCPHERSON on behalf of USA COMMERCIAL MORTGAGE COMPANY [DE 2021]



LEWIS  
AND  
ROCA  
LLP  
LAWYERS

1     **Response Filed:**     Response with Certificate of Service Filed by SCOTT D.  
2         1/10/2007     FLEMING on behalf of SPECTRUM FINANCIAL GROUP [DE  
3                         2394]  
4         1/10/2007     Response with Certificate of Service Filed by SCOTT D.  
5                         FLEMING on behalf of ROLLAND P. WEDDELL [DE 2398]  
6         1/11/2007     Amended Response with Certificate of Service Filed by SCOTT  
7                         D. FLEMING on behalf of SPECTRUM FINANCIAL GROUP  
8                         Modified on 1/12/2007 to add "amended" verbiage [DE 2404]  
9         1/11/2007     Amended Response with Certificate of Service Filed by SCOTT  
10                        D. FLEMING on behalf of ROLLAND P. WEDDELL [DE 2406]  
11     **Stipulation Filed:**     Stipulation By SPECTRUM FINANCIAL GROUP, ROLLAND  
12         1/12/2007     P. WEDDELL and Between Debtors *Continuing Hearing from*  
13                         *January 17, 2007 to January 31, 2007* Filed by SCOTT D.  
14                         FLEMING on behalf of SPECTRUM FINANCIAL GROUP,  
15                         ROLLAND P. WEDDELL [DE 2425]  
16     **Stipulation Filed:**     Stipulation to Continue Hearing on ROLLAND P. WEDDELL and  
17         1/17/2007     SPECTRUM FINANCIAL GROUP, LLC's Proofs of Claim [DE  
18                         2437]  
19     **Stipulation Filed:**     Stipulation and Order Continuing Hearing on USA  
20         2/20/2007     COMMERCIAL MORTGAGE COMPANY's Objection to Proof  
21                         of Claim No. 819 Filed by SPECTRUM FINANCIAL GROUP,  
22                         LLC and Claim No. 821 Filed by ROLLAND P. WEDDELL.  
23                         Hearing scheduled 3/1/2007 at 09:30 AM at LBR-Courtroom 1,  
24                         Foley Federal Bldg. [DE 2838]  
25     **Stipulation Filed:**     Stipulation and Order Continuing Hearing on USA  
26         3/02/2007     COMMERCIAL MORTGAGE COMPANY'S Objection to Proof  
                              of Claim No. 819 Filed by SPECTRUM FINANCIAL GROUP,  
                              LLC and Claim No. 821 Filed by ROLLAND P WEDDELL [DE  
                              2975]  
                              Stipulation By USACM LIQUIDATING TRUST and Between  
                              SPECTRUM FINANCIAL and ROLLAND P. WEDDELL Filed  
                              by ROB CHARLES on behalf of USACM LIQUIDATING  
                              TRUST [DE 3277]  
                              **Related Filings:**     Order Approving Stipulation to Continue the Hearing on  
                              3/26/2007     Objection to Claim 819 of SPECTRUM FINANCIAL in the  
                              Amount of \$49,581,000; Claim 821 of ROLLAND P. WEDDELL  
                              in the Amount of \$13,081,000 Modified on 3/26/2007 to Reflect

LEWIS  
AND  
ROCA  
LLP  
LAWYERS

1 Docket Entry Change - Incorrect Image Attached - See #3281 [DE  
2 3278]

3 **Related Filings:** Order Approving Stipulation to Continue the Hearing on  
4 3/26/2007 Objection to Claim 819 of SPECTRUM FINANCIAL in the  
5 Amount of \$49,581,000; Claim 821 of ROLLAND P. WEDDELL  
6 in the Amount of \$13,081,000 [DE 3281]

7 **Stipulation Filed:** Stipulation By USACM LIQUIDATING TRUST and Between  
8 4/24/2007 Spectrum Financial and Rolland P. Weddell *Continuing Hearing*  
9 *on Objection* Filed by ROB CHARLES on behalf of USACM  
10 LIQUIDATING TRUST [DE 3538]

11 **Related Filing:** Order Approving Stipulation to Continue the Hearing on  
12 4/24/2007 Objection to Claim 819 of SPECTRUM FINANCIAL in the  
13 Amount of \$49,581,000; Claim 821 of ROLLAND P. WEDDELL  
14 in the Amount of \$13,081.000 [DE 3542]

15 **Related Filing:** Declaration of *William Schilz in Support of Response* Filed by  
16 1/10/2007 SCOTT D. FLEMING on behalf of SPECTRUM FINANCIAL  
17 GROUP [DE 2396]

18 1/11/2007 Amended Declaration of *William Schilz in Support of Response*  
19 Filed by SCOTT D. FLEMING on behalf of SPECTRUM  
20 FINANCIAL GROUP [DE 2405]

21 1/10/2007 Declaration of *Rolland P. Weddell in Support of Response* Filed  
22 by SCOTT D. FLEMING on behalf of ROLLAND P. WEDDELL  
23 [DE 2399]

24 1/11/2007 Amended Declaration of *Rolland P. Weddell in Support of*  
25 *Response* Filed by SCOTT D. FLEMING on behalf of  
26 ROLLAND P. WEDDELL [DE 2407]

**Motion to** Motion to Withdraw as Attorney of Record Filed by SCOTT D.  
**Withdraw Filed:** FLEMING on behalf of SPECTRUM FINANCIAL GROUP,  
8/17/2007 ROLLAND P. WEDDELL [DE 4567]

**Related Filing:** Order Granting Motion To Withdraw As Counsel for Claimants  
10/01/2007 ROLLAND P. WEDDELL and SPECTRUM FINANCIAL  
GROUP [DE 4907]

**Status:** Hearing rescheduled from 1/31/2007; 3/1/2007; 3/27/2007;  
6/15/2007; 7/27/2007 and 10/15/2007. A stipulation to continue  
the hearing to January 24, 2008 was filed [DE 5459]



LEWIS  
AND  
ROCA  
LLP  
LAWYERS

12. **Motion for Summary Judgment Regarding (1) Responses To The USACM Trust's First Through Thirty-Third Omnibus Objections To Claims Asserting A Secured Status; (2) Responses to USACM Trust's First Through Third Omnibus Objections to Claims Asserting A Priority Status; and (3); Newly Alleged Secured And Priority Claims** Filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 4291]

**Related Filings:** The unresolved claims are dealt with in the individual objections

**Status**

13. **Objection to Claim 10725-02447-2 amending 10725-02447-1, 10725-02448-2 amending 10725-02448-1 of Wynn & Lorraine J. Gunderson in the amount of \$176,135.00, \$176,135.00 Asserting Secured Status** filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 4262]

**Objection Filed:** Objection with Certificate of Service Filed by LORRAINE GUNDERSON, WYNN A. GUNDERSON [DE 3514]  
4/19/2007

**Status** Continued from 11/2/2007 and 11/16/2007. An Order Approving Stipulation to continue the hearing to December 20, 2007 was entered [DE 5452].

21. Adv. 2-06-01212, Binford Medical Developers, LLC v. USA Commercial Mortgage Company, **STATUS HEARING RE: COMPLAINT FILED BY BINFORD MEDICAL DEVELOPERS LLC** [DE 75]

**Status:** The parties filed a stipulation to continue the hearing to December 20, 2007 [DE 98]

DATED: December 13, 2007.

**LEWIS AND ROCA LLP**

By: /s/ Rob Charles (#6593)

Susan M. Freeman, AZ 4199 (*pro hac vice*)  
Rob Charles, NV 6593

3993 Howard Hughes Parkway, Suite 600  
Las Vegas, Nevada 89169-5996  
Facsimile (702) 949-8321  
Telephone (702) 949-8320  
Counsel for USACM Liquidating Trust